

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|----------------------------|---|---------------------------------|
| MICHAEL ROBERTS, | § | |
| | § | No. 468, 2009 |
| Plaintiff Below, | § | |
| Appellant, | § | Court Below—Superior Court |
| | § | of the State of Delaware in and |
| v. | § | for New Castle County |
| | § | |
| CPL. WILLIAM MURRAY, | § | |
| STAPLES, INC., and REBECCA | § | |
| McBRIDE, | § | |
| | § | |
| Defendants Below, | § | C.A. No. 08C-10-052 |
| Appellees. | § | |

Submitted: November 13, 2009

Decided: February 23, 2010

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

ORDER

This 23rd day of February 2010, the Court has considered the parties' briefs and the record in this case and has reviewed *de novo* the Superior Court's July 24, 2009 memorandum opinion that (i) denied the motion for summary judgment filed by plaintiff, Michael Roberts, (ii) granted the motion for summary judgment filed by defendant, Cpl. William Murray, and (iii) granted the motion to dismiss filed by defendant, Staples, Inc. The Court has determined that this appeal should be affirmed on the basis of and for the reasons set forth in the Superior Court's order of January 29, 2009 and well-reasoned decision of July 24, 2009. The Superior

Court did not err when concluding that Roberts could not recover “under any conceivable set of circumstances against any of the defendants.”

NOW, THEREFORE, IT IS ORDERED that the judgments of the Superior Court are AFFIRMED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice